

outermost sheet prevents the outermost sheet from adhering tightly to itself. This reduces instances of the tape tearing in a downweb direction. Also, the roll of tape maintains its roundness and is less likely to become distorted, resulting in high spots or lumps in the roll of tape.

The Prior Art Rejections

Claims 1, 2, 3, 8, 9, and 11 were rejected under 35 U.S.C. §§ 102 and 103 as being anticipated by or unpatentable over U.S. Patent No. 5, 027, 465 to McKay. It was asserted that McKay shows materials which are wound on a roll and then weakened by cuts; if these materials were unwound, they would produce a sheet material where the distance between weakened areas changed continually along the length; and that if these materials were subsequently wound onto a roll of smaller diameter, a material with the claimed overlap would be produced.

Claims 4 to 9 were rejected under 35 U.S.C. § 103 as being unpatentable over McKay. It was asserted that although the reference is not specific as to the spacing that would result when the material is cut diametrically, by routine experimentation one would arrive at the claimed material spacing.

The Claims Are Not Anticipated By Nor Obvious In View Of McKay Which Fails To Suggest The Claimed Overlap And Material Spacing

McKay fails to suggest sheets having progressively increasing lengths from the first longitudinal end of the tape to the second longitudinal end of the tape such that, when the sheets are wound into a roll, each sheet is longer than the sheet underneath it by an overlap length, as required by the claims.

McKay discusses known tape rolls which use various slit configurations which extend transversely across the full width of the tape roll to slit the tape roll from one longitudinal edge to the other thereby fully severing the longitudinally continuous integrity of the tape roll (see column 1, lines 45-50 and Figures 9 - 14). The slits separating the sheets apparently align with each other when the tape is rolled, presumably by first rolling the tape and then slitting it. McKay's invention involves a tape roll with at least one slit which extends only partially across the width of the tape

roll so that at least one selected narrow portion of the tape roll is not slit to maintain longitudinally continuous integrity of the tape roll (see, for example, column 2, lines 25-30). In the embodiment of Figures 30-32, the slit is replaced by a line of perforations.

The Office Action correctly asserts that if the sheet of McKay were unwound, it would produce a sheet where the distance between weakened areas changed continually along the length. The Office Action then makes a large jump, asserting that if the unwound sheet were subsequently wound onto a roll of smaller diameter, an overlap would be produced. However, McKay does not disclose such a process or such a product. There is nothing in McKay which even hints at unwinding the tape from the initial roll and subsequently rewinding it. Such a reinventing of McKay is not present in any reference. This unwinding and rewinding is, at best, a product of hindsight in an attempt to create the claimed invention out of McKay, and would not have been obvious.

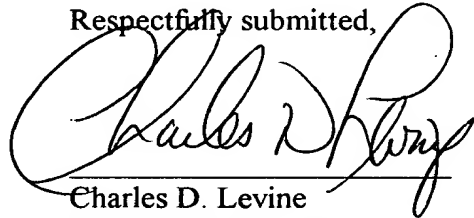
Moreover, it would not have been practical to unwind the slit or perforated tape of McKay and rewind it. The initially slit or perforated roll would be very difficult to unwind and then rewind onto another roll with its integrity intact, because the tape would likely separate or tear at at least some of the weakened areas (particularly in the primary embodiments of McKay in which the sheet is completely slit). Thus, the suggestion in the Office Action, regardless of how it might work in the abstract, would not work in the real world and the requirement of performing an unworkable process to get from the teachings of McKay to the claimed invention would not have been obvious. Hence, McKay neither discloses nor teaches or suggests that when the sheets are wound into a roll, each sheet is longer than the sheet underneath it by an overlap length.

Claim 11 is directed to a substrate formable into a roll such that when the sheets are wound into a roll, each sheet is longer than the sheet underneath it by an overlap length. For the reasons stated above, this is neither disclosed nor taught nor suggested in McKay.

Claims 4-9 specifically claim certain additional aspects of Applicant's invention not taught by McKay. Specifically with regard to claim 4, there is no mention or suggestion in McKay of providing a higher detackified area when at least some of the perforations result in folded over material with adhesive facing down. This helps define the trailing end of the outermost sheet and aids in removal of the sheet. Also regarding claims 5, 6 and 7, there is no teaching or suggestion in McKay as to these specific embodiments.

For the foregoing reasons, Applicant submits that pending claims 1-11 are in allowable condition. Applicant requests that the claims be indicated as allowable and the application pass to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles D. Levine", is written over a horizontal line.

Charles D. Levine
Registration No. 32,477

3M Office of Intellectual Property Counsel
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Telephone: (612) 736-1255
Facsimile: (612) 736-7421

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